

ALAN R. SMITH, ESQ.
Nevada Bar No. 1449
KEVIN A. DARBY, ESQ.
Nevada Bar No. 7670
Law Offices of Alan R. Smith
505 Ridge Street
Reno, Nevada 89501
Telephone (775) 786-4579
Facsimile (775) 786-3066
Email: mail@asmithlaw.com

Electronically Filed - March 1, 2007

Attorneys for Lenders Protection Group

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

—ooOoo—

In re:
USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

In re:
USA CAPITAL REALTY ADVISORS,
LLC,

Debtor.

JOINTLY ADMINISTERED
Chapter 11
Hearing Date: March 1, 2007
Hearing Time: 9:30 a.m.

In re:
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

Debtor.

**DECLARATION OF CHARLES E.
FULLER IN SUPPORT OF MOTION
FOR LIMITED STAY PENDING
APPEAL**

In re:
USA FIRST TRUST DEED FUND, LLC,

Debtor.

In re: USA SECURITIES, LLC,
Debtor.

Affects: All Debtors

I, Charles E. Johnson, being first duly sworn, do depose and say under the penalty of perjury:

1. I am a creditor in the USA Commercial Mortgage Company ("USACM") bankruptcy case (BK-S-06-10725-LBR) with claims classified as A-4 (General Unsecured Claims) and A-5 (Direct Lender Compromise Claims) classified in Debtors' Third Amended Joint Chapter 11 Plan of Reorganization filed herein on November 15, 2006.

2. I have knowledge of and am competent to testify to the matters stated herein.

3. Attached hereto as Exhibit A are true and correct copies of the loan and or check statements which I received from the Debtor.

4. As detailed in Exhibit A, the Debtors have taken and are holding my property, namely portions of post-petition payments made by third-party borrowers to me as a lender, which payments are processed by Debtor USACM, as a loan servicer.

I hereby swear under penalty of perjury that the assertions of this Declaration are true.

DATED: February 28, 2007

Janet P. Johnson and Charles E. Johnson Trustees of the Janet P. Johnson
Living Trust dated 7/15/04.

Legal Vesting Name

By: Charles E. Johnson
Name

FROM : CE&JP JOHNSON

FAX NO. : 386 986-1418

Mar. 01 2007 02:05AM P3

Client ID: 3537

Trust Date: 7/15/04

1/1/07
6/1/07

USA Commercial Mortgage Company
as Loan Servicing Agent for Loans Listed Below

Loan Summary for Client ID: **5453**
Account

Individual Investments

Janet P. Johnson & Charles E. Johnson Trustees of the Janet P. Johnson Living Trust dated 7/15/04

TRUST DATED 7/15/04

C/O JANET P JOHNSON & CHARLES E JOHNSON TRUSTEES 17 FRONT ST

PALM COAST, FL 32137-1453

Loan Name	Dates	Original Investment	Current Investment	Principal Due to (from) Investor - USA CMC	Interest Due to (from) Investor USA CMC	Total Due to (Owed from) Investor
Castaic Partners II, LLC	7/18/05 - 6/30/06	\$100,000.00	\$100,000.00	\$0.00	-\$1,425.23	-\$1,425.23
Foxhill 216, LLC	1/25/06 - 6/30/06	\$100,000.00	\$100,000.00	\$0.00	\$1,311.49	\$1,311.49
HFA- North Yonkers	1/13/05 - 6/30/06	\$100,000.00	\$0.00	\$100,000.00	\$2,189.53	\$102,189.53
Marquis Hotel	8/20/04 - 6/30/06	\$50,000.00	\$50,000.00	\$0.00	-\$7,272.44	-\$7,272.44
Oak Shores II	5/25/05 - 6/30/06	\$100,000.00	\$78,522.18	\$0.00	\$2,655.00	\$2,655.00
SVRB \$4,500,000	4/29/05 - 6/30/06	\$100,000.00	\$31,846.26	\$0.00	\$1,551.65	\$1,551.65
Totals:		\$550,000.00	\$361,168.44	\$100,000.00	-\$990.00	\$99,010.00
Less:						
						-3,724.44
						Net check amount: \$95,285.56

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party.
This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.

Prepared by MFIM, LLC

THIS STATEMENT REFLECTS THE STATUS THROUGH JUNE 30, 2006

Page - 1

A